

UNITED STATES DISTRICT COURT
for the
Southern District of Ohio

FILED
RICHARD W. NAGEL
CLERK OF COURT

4/23/20

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
WEST. DIV. DAYTON

In the Matter of the Tracking of)
(Identify the person to be tracked or describe)
the object or property to be used for tracking))

2016 Chevy Silverado bearing Ohio Temporary tag) Case No. 3:20-mj-202
K347330) Michael J. Newman

APPLICATION FOR A TRACKING WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or attorney for the government, have reason to believe that the person, property, or object described above has been and likely will continue to be involved in one or more violations of

21 U.S.C. § 841/846. Therefore, in furtherance of a criminal investigation, I request authority to install and use a tracking device or use the tracking capabilities of the property or object described above to determine location. The application is based on the facts set forth on the attached sheet.

- The person, property, or object is located in this district.

The person, property, or object is not now located in this district, but will be at the time of execution.

The activity in this district relates to domestic or international terrorism.

Other:

The tracking will likely reveal these bases for the warrant under Fed. R. Crim. P. 41(c): (check one or more)

- evidence of a crime; contraband, fruits of crime, or other items illegally possessed;

property designed for use, intended for use, or used in committing a crime; a person to be arrested or a person who is unlawfully restrained.

I further request, for purposes of installing, maintaining or removing the tracking device, authority to enter the following vehicle or private property, or both:

2016 Chevy Silverado bearing Ohio Temporary tag K347330

Delayed notice of 30 days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Steven M Lucas

Applicant's signature

Steven M. Lucas, SA of the DEA

Applicant's printed name and title

Sworn to before me and signed in my presence via facetime.

Date: 11:39 AM, Apr 23, 2020

Via electronic means.

City and state: Dayton, Ohio

Michael J. Newman, US Magistrate Judge

Printed name and title

New name and new

A circular seal of the United States District Court. It features an eagle with spread wings, holding an olive branch and arrows. The words "UNITED STATES DISTRICT COURT" are inscribed around the perimeter of the seal.

Michael J. Newman
United States Magistrate Judge

United States Magistrate Judge

Print

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

IN THE MATTER OF THE APPLICATION
OF THE UNITED STATES OF AMERICA
FOR A WARRANT AUTHORIZING THE
INSTALLATION AND MONITORING OF
A TRACKING DEVICE IN OR ON A BLUE
CHEVY SILVERADO OHIO TEMP
TAG K347330

AFFIDAVIT

Now come Steven M. Lucas, Special Agent, Drug Enforcement Administration (DEA), (hereinafter, "Affiant"), being duly sworn, deposes and states the following:

1. Affiant is an "Investigative or Law Enforcement Officer" of the United States Drug Enforcement Administration ("DEA") within the meaning of Title 21, United States Code, Section 878 – namely, an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in Title 21, United States Code, Section 878.
2. Affiant has been employed as a DEA Special Agent since June 2005. Since December 2005, affiant has been assigned to, and worked at, the DEA resident office in Dayton, Ohio. Since that time, Affiant has been involved in narcotics-related arrests, executed search warrants that resulted in the seizure of narcotics, participated in undercover narcotics purchases, and supervised the activities of informants who have provided information and assistance in drug trafficking investigations of an international scope. Through training and experience, Affiant is familiar with the manner in which persons involved in the illicit distribution of controlled substances often operate. These people usually attempt to conceal their identities, as well as the locations at which they reside, and where they store controlled substances and the illegal proceeds derived there from.

3. There is probable cause to believe that a vehicle driven by Calvin TRIBBLE II (“TRIBBLE”) further described as a 2016 Chevy Silverado bearing Ohio Temporary tag K347330 (referred as the “**SUBJECT VEHICLE**”) is presently being used in furtherance of violations of federal law, including “conspiracy to distribute and possess with intent to distribute controlled substances,” in violation of Title 21, United States Code, §§ 846 and 841(a)(1).
4. Affiant further states that there is probable cause to believe that the installation of a tracking device in or on the **SUBJECT VEHICLE** and use of the tracking device, will lead to evidence, fruits, and instrumentalities of the aforementioned crimes as well as to the identification of individuals who are engaged in the commission of those and related crimes.
5. This affidavit does not contain all facts known to Affiant, only those necessary to establish probable cause in support of the request of a search warrants. The information contained in this Affidavit is either personally known by Affiant or relayed to Affiant by other law enforcement officers involved in this investigation.

FACTS ESTABLISHING PROBABLE CAUSE

5. Affiant is aware of subject identified as Calvin TRIBBLE II has been receiving shipments of drugs from Hispanic based sources in Dayton, Ohio, since at least summer 2019. TRIBBLE is using the **SUBJECT VEHICLE** in connection with his illicit activities.
6. During summer/fall 2019, the Dayton RO was conducting a court authorized interception of a cellular telephone used by Savon POPE, a local fentanyl trafficker. POPE and others were indicted after numerous fentanyl and methamphetamine seizures during the interception of POPE’S cell phone. During the interception of POPE a phone used by TRIBBLE was intercepted with suspected drug conversations. Further, in one call that occurred with POPE on September 8,

2019, labeled session 204, TRIBBLE indicated his source was messing around and all he had was “bitch” for sale, a common term for cocaine.

7. In January 2020, Affiant was present for multiple meetings with a cooperating defendant who gave information that was corroborated by other means. The cooperating defendant (“CD”) gave information about TRIBBLE and others. The CD listen to intercepted call 204 mentioned above, that occurred on September, 8, 2019 over POPE’S intercepted phone, and identified the subject talking to POPE as TRIBBLE. Further, the CD stated TRIBBLE has a Hispanic source for drugs and was selling kilogram quantities of fentanyl, methamphetamine, and cocaine. It is worth noting investigators also were able to see TRIBBLE in connection with the phone during surveillance in September 2019.
8. On April 18, 2020, Affiant was contacted by another DEA office which was conducting an investigation into laundering of drug proceeds by drug traffickers based outside of the United States. Affiant learned that a drug trafficker in Dayton, Ohio had secured a contract for pick up and delivery of suspected drug proceeds to this drug organization. Based on the other investigation, the Dayton RO was able to utilize a DEA SA, acting in an undercover capacity (“UC”), to contact the Dayton based drug trafficker (later identified as being TRIBBLE) and arranged the pickup of the suspected drug proceeds.
9. On April 20, 2020, the UC contacted and arranged to meet with TRIBBLE. During the recorded conversations between the UC and TRIBBLE, TRIBBLE stated he was in a blue truck and would be meeting the UC.
10. On the same day, the meeting took place between the UC and TRIBBLE in Huber Heights, Ohio. LITTLE delivered approximately \$200,000 in US currency that was in a plastic bags and was in all 20 dollar denominations. TRIBBLE also arrived in the **SUBJECT VEHICLE** that was found to be registered to him.

11. Based on TRIBBLE having a criminal history and the CD stating TRIBBLE is selling fentanyl and methamphetamine, and TRIBBLE dropping off approximately \$200,000 in suspected drug proceeds to an undercover agent, Affiant believes it is necessary to utilize a GPS tracking device placed on the vehicle to further the investigation of his drug trafficking activity. The device will be needed on the **SUBJECT VEHICLE** to further investigate the drug trafficking activity without detection. In particular, tracking the movements of the **SUBJECT VEHICLE** will assist law enforcement in identifying potential co-conspirators as well as locations at which TRIBBLE and his associates conduct illegal drug trafficking activities, including storage locations for bulk currency and narcotics. In order to track the movement of the **SUBJECT VEHICLE** effectively and to decrease the chance of detection, I seek to place a tracking device in or on the **SUBJECT VEHICLE** while it is in the Southern District of Ohio. Because **SUBJECT VEHICLE** may sometimes be parked in a driveway and on other private property, it may be necessary to enter onto private property in order to effect the installation, repair, replacement, maintenance, and removal of the tracking device. To ensure the safety of the executing officer(s) and to avoid premature disclosure of the investigation, it is requested that the court authorize installation and removal of the tracking device during both daytime and nighttime hours. The installation of the vehicle during daytime visibility may compromise the investigation.
12. In the event that the Court grants this application, there will be periodic monitoring of the tracking device during both daytime and nighttime hours for a period of 45 days from the date of issuance. The tracking device may produce signals from inside private garages or other such locations not open to the public or visual surveillance.

13. It is requested that the warrant and accompanying affidavit and application in support thereof, as they reveal an ongoing investigation, be **sealed** until further order of the Court in order to avoid premature disclosure of the investigation, guard against the flight of fugitives, and better ensure the safety of agents and others, except that copies of the warrant in full or redacted form may be maintained by the United States Attorney's Office, and may be provided to Special Agents and other investigative and law enforcement officers of the DEA, federally deputized state and local law enforcement officers, and other government and contract personnel acting under the supervision of such investigative or law enforcement officers, as necessary to effectuate the warrant.
14. In accordance with 18 U.S.C. § 3103a(b) and Federal Rule of Criminal Procedure 41(f)(3), I request that the warrant delay notification of the execution of the warrant for a period not to exceed 30 days after the end of the authorized period of tracking (including any extensions thereof) because there is reasonable cause to believe that providing immediate notification would seriously jeopardize the investigation.

15. WHEREFORE, Affiant respectively requests that the Court issue a warrant authorizing members of the DEA or their authorized representatives, including but not limited to other law enforcement officers and technicians assisting in the above-described investigation, to install a tracking device in or on the **SUBJECT VEHICLE** within the Southern District of Ohio within 10 calendar days of the issuance of the requested warrant, and to remove said tracking device from the **SUBJECT VEHICLE** after the use of the tracking devices has ended; and to monitor the tracking device, for a period of 45 days following the issuance of the warrant, including when the tracking devices is inside private garages and other locations not open to the public or visual surveillance, both within and outside the Southern District of Ohio.

Steven M Lucas _____
Steven M Lucas
Special Agent
Drug Enforcement Administration

23rd

Sworn to before me this ____ day of April, 2020.

Michael Newman _____
HON 
Michael J. Newman
United States Magistrate Judge
United States magistrate judge

11:40 AM, Apr 23, 2020

Via electronic means.